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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,520	01/27/2004	Alessandro Spaggiari	26218	2209

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NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,520

Applicant(s)

SPAGGIARI, ALESSANDRO

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-27-04, 8-4-05 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Applicant's Amendment dated July 13, 2006 has been carefully considered but is non-persuasive. Claims 4 and 8-10 are pending. Applicant is thanked for presenting arguments with regard to the applied references.

Applicant's arguments that the configuration in Boeckel 3,303,995 does not allow to channel out any condensate formed inside the central body, without interfering with the blades, and that the aim of Boeckel is simply cooling the fan motor, are not persuasive. The through windows 26 formed in the annular wall inherently will channel out any condensate formed inside the central body 12 (following the flowpath shown by arrows in figure 2). Concerning the argument that the blades will be interfered with, this feature is not recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, certain ones of the windows 26 allow for channeling out any condensate formed inside the central body without interfering with the blades 16. Applicant's argument that the openings 26 in Boeckel are not formed in the annular wall and at peripheral edges where the base wall and the annular wall connect, is not persuasive. As shown in figures 1-2 of Boeckel, the openings 26 are formed in the annular wall 14 and at peripheral edges where the base wall 13 and the annular wall connect. Applicant's argument that the openings 26 are not each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs having opposing ends formed to connect at one end to the central portion of the base wall and to connect at another end to the inner face of the annular wall to channel out any condensate formed inside the central body, is not persuasive. As seen in figures 1-2 of Boeckel, the openings 26 are each

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placed in the gap between two adjacent blades 16 and between two adjacent reinforcing ribs 28 having opposing ends. The reinforcing ribs are formed to connect at one end to the central portion of the base wall 13 (note figure 2) and to connect at another end to the inner face of the annular wall 14 and will inherently channel out any condensate formed inside the central body. Alternatively, Honnold 3,819,294 and Japanese Patent 57-24,499 (both of record) teach fans having central bodies with a base wall connected to an annular wall, with the base wall having a central portion that is thicker than the rest of the base wall, and reinforcing ribs having opposed ends formed to connect at one end to the central portion of the base wall and to connect at another end to the inner face of annular wall, as set forth later below.

Applicant's argument that the orifices 26 in Braun 4,583,911 are not formed in the annular wall and at peripheral edges where the base wall and the annular wall connect, is agreed with. Applicant's argument that Brackett 4,838,760 does not disclose that the reinforcing ribs are formed to connect at one end to the central portion of the base wall, is agreed with.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Boeckel 3,303,995. Boeckel discloses a ventilation unit comprising an electric motor 24 having an output shaft 22 fitted with a fan 10 having a cup-shaped central body 12 and a number of blades 16, the central body being defined by a base wall 13 and by an annular wall 14 extending from and connecting with the base wall, the base wall having a central portion 18 which is thicker than the rest of the base wall, the annular wall having an inner face and an outer face, the number of blades extending from the outer face, a number of reinforcing ribs 28 (see figure 2) having opposing ends formed to connect at an inner end to the central portion of the base wall and to connect at another outer end to the inner face of the annular wall, and a number of through windows 26 formed in the annular wall and at the peripheral edges where the base wall and the annular wall connect, each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs to channel out any condensate formed inside the central body (following the flowpath shown by arrows in figure 2). The number of blades are equally spaced, the number of reinforcing ribs are equally spaced, and the number of through windows are equally spaced.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8-10 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Boeckel 3,303,995 in view of either (Honnold 3,819,294 or Japanese Patent 57-24,499). Boeckel discloses a ventilation unit substantially as claimed, comprising an electric motor 24 having an output shaft 22 fitted with a fan 10 having a cup-shaped central body 12 and a number of blades 16, the central body being defined by a base wall 13 and by an annular wall 14 extending from and connecting with the base wall, the base wall having a central portion 18 which is thicker than the rest of the base wall, the annular wall having an inner face and an outer face, the number of blades extending from the outer face, a number of reinforcing ribs 28 (see figure 2) having opposing ends formed to connect at another outer end to the inner face of the annular wall, and a number of through windows 26 formed in the annular wall and at the peripheral edges where the base wall and the annular wall connect, each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs to channel out any condensate formed inside the central body (following the flowpath shown by arrows in figure 2). The number of blades are equally spaced, the number of reinforcing ribs are equally spaced, and the number of through windows are equally spaced.

However, Boeckel may alternatively be considered as not disclosing that the reinforcing ribs connect at an inner end to the central portion of the base wall.

Honnold shows a fan having a central body 7 with an unnumbered base wall near 7 connected to an unnumbered annular wall, with the base wall having a circumferentially extending central portion 3 that is thicker than the rest of the base wall, and reinforcing ribs 9

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having opposed ends formed to connect at one end to the central portion of the base wall and to connect at another end to the inner face of annular wall, for the purpose of strengthening the central body.

Japanese Patent 57-24,499 (figures 2a-2b and 3) shows a fan having a central body 2 with an unnumbered base wall near 2 connected to an unnumbered annular wall, with the base wall having a circumferentially extending central portion 6 that is thicker than the rest of the base wall, and reinforcing ribs 5 having opposed ends formed to connect at one end to the central portion of the base wall and to connect at another end to the inner face of annular wall, for the purpose of strengthening the central body.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to form the ventilation unit of Boeckel such that the reinforcing ribs connect at an inner end to the central portion of the base wall, as taught by either Honnold 3,819,294 or Japanese Patent 57-24,499, for the purpose of strengthening the central body.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.
September 18, 2006


Christopher Verdier
Primary Examiner
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